



General Assembly

January Session, 2011

Raised Bill No. 6312

LCO No. 2989

02989_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING THE RIGHTS OF A PARENT OR GUARDIAN IN
AN INVESTIGATION BY THE DEPARTMENT OF CHILDREN AND
FAMILIES.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2011*) (a) Upon receiving a
2 complaint of abuse or neglect of a child, the Department of Children
3 and Families shall, at the time of any initial contact with the child's
4 parent or guardian on or after July 1, 2011, provide the parent or
5 guardian with written notice, in plain language, that: (1) The parent or
6 guardian is not required to permit the representative of the
7 department to enter the residence without a warrant that authorizes
8 such representative to enter the residence; (2) the parent or guardian is
9 not required to speak with the representative of the department at that
10 time; (3) the parent or guardian is entitled to seek the representation of
11 an attorney and to have an attorney present when the parent or
12 guardian is questioned by a representative of the department; (4) any
13 statement made by the parent, guardian or other family member may
14 be used against the parent or guardian in an administrative or court
15 proceeding; (5) the representative of the department is not an attorney
16 and cannot provide legal advice to the parent or guardian; (6) the

17 parent or guardian is not required to sign any document presented by
 18 the representative of the department, including, but not limited to, a
 19 release of claims or a service agreement, and is entitled to have an
 20 attorney review such document before agreeing to sign the document;
 21 and (7) a failure of the parent or guardian to communicate with a
 22 representative of the department may have serious consequences,
 23 which may include the department's filing of a petition for the removal
 24 of the child from the home of the parent or guardian, and therefore it is
 25 in the parent's or guardian's best interest to either speak with the
 26 representative of the department or immediately seek the advice of a
 27 qualified attorney.

28 (b) The department shall make reasonable efforts to ensure that the
 29 notice provided to a parent or guardian pursuant to this section is
 30 written in a manner that will be understood by the parent or guardian,
 31 which reasonable efforts shall include, but not be limited to, ensuring
 32 that the notice is written in a language understood by the parent or
 33 guardian.

34 (c) The representative of the department shall request the parent or
 35 guardian to sign and date the notice described in subsection (a) of this
 36 section as evidence of having received the notice. If the parent or
 37 guardian refuses to sign and date the notice upon such request, the
 38 representative of the department shall specifically indicate on the
 39 notice that the parent or guardian was requested to sign and date the
 40 notice and refused to do so and the representative of the department
 41 shall sign the notice as witness to the parent's or guardian's refusal to
 42 sign the notice. The department shall provide the parent or guardian
 43 with a copy of the signed notice at the time of the department's initial
 44 contact with the parent or guardian.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	New section

Statement of Purpose:

To require the Department of Children and Families to provide a parent or guardian with a written notice of rights upon commencement of an investigation of an abuse or neglect complaint.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]